

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation on the Commission's Own Motion into the Operations and Practices of the Conlin-Strawberry Water Co. Inc. (U-177-W), and its Owner/Operator, Danny T. Conlin; Notice of Opportunity for Hearing; and Order to Show Cause Why the Commission Should Not Petition the Superior Court for a Receiver to Assume Possession and Operation of the Conlin-Strawberry Water Co. Inc. pursuant to the California Public Utilities Code Section 855.

Investigation 03-10-038  
(Filed October 16, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING PREHEARING CONFERENCE**

A prehearing conference (PHC) in this proceeding will be held at 10:00 a.m., Tuesday, December 2, 2003, in the California Public Utilities Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.

**1. Parties to Proceeding**

The Order Instituting Investigation (OII) in this proceeding names Conlin-Strawberry Water Co., Inc. and Danny T. Conlin, its owner/operator, as responding parties. The Water Division of the Commission is also a party to this proceeding. All parties shall comply with the requirements of this ruling.

**2. Issues to be Addressed**

The OII directs the respondents to show cause, if any they have, why the Commission should not petition the Tuolumne County Superior Court for the

appointment of a receiver to assume possession and operation of the Conlin-Strawberry Water Co. pursuant to Public Utilities Code Section 855. The OII also directs the respondents to show cause, if any they have, why fines, penalties, and other remedies should not be issued against respondents for alleged violations of Commission rules, regulations, resolutions, and orders.

### **3. Written Report to be Submitted**

The OII requires the respondents to file and serve a written report containing the information set forth in Ordering Paragraph 6. The report will be filed and served within 30 days of the mailing date of the OII, which due date is November 20, 2003.

### **3. Response May be Submitted**

The OII allows the respondents to file a written response to the OII. Respondents shall file and serve any such OII on or before November 20, 2003.

### **4. Prehearing Conference Statements**

On or before November 26, 2003, the parties shall file and serve prehearing conference statements. Commission's Rules of Practice & Procedure R. 6.2. Prehearing conference statements shall address the issues, need for hearing, schedule, and any matter related to the applicability of Article 2.5 of the Commission's *Rules of Practice and Procedure* to this proceeding. The parties should also identify and discuss anything else necessary for an expeditious and efficient completion of this proceeding.

### **5. Notification of California Department of Health Services**

On or before November 14, 2003, the Water Division shall notify the appropriate regional official of the California Department of Health Services,

who has responsibility for the water quality of respondents' water system, of the pendency of this proceeding by sending a copy of the OII and this ruling.

## **6. Service of Pleadings**

Parties should also come to the PHC prepared to discuss the desirability of adopting a rule that service of pleadings in this shall be by electronic mail, without concurrent service of a paper copy. Rule 2.3(b). If adopted, however, this rule would not vacate the Commission's rules regarding filing of paper copies, Rule 2.5, or the need to serve paper copies on any party without an electronic mail address.

## **7. Transcripts**

Parties who desire an expedited or daily transcript should advise the Chief Hearing Reporter by telephone at (415) 703-2288 no later than three days prior to the PHC. Questions regarding the date, time or place for the PHC should be directed to the Calendar Clerk at (415) 703-1203.

Dated November 10, 2003, at San Francisco, California.

/s/ JOHN E. THORSON

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John E. Thorson  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated November 10, 2003, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.